



## Tempe Historic Preservation Commission **MEETING AGENDA**

Date: Thursday, December 11th, 2014 at 6:00pm

Location: Hatton Hall, 34 E. 7<sup>th</sup> St., Tempe

### **TEMPE HISTORIC PRESERVATION COMMISSION**

Andrea Gregory, Chair  
Dr. Ira Bennett, Vice-Chair

Anne Bilsbarrow  
Charles Buss  
Charlie Lee  
Lauren Proper  
Brenda Shears  
Scott Solliday  
Korri Turner

### **TEMPE HISTORIC PRESERVATION OFFICE**

John Larsen Southard  
Mark Vinson, FAIA  
Hansen  
Wm. "Billy" Kiser, MA

Joseph G. Nucci, RA  
Honorary HPO Emeritus

The City of Tempe is a  
Certified Local Government,  
in association with the United States  
Department of the Interior / National  
Park Service.

Tempe Historic  
Preservation Office  
Community Development Dept.  
31 East 5th Street  
P.O. Box 5002  
Tempe, AZ 85280

480.350.8028 /  
8579 FAX / 8913 TDD



1. **Call to Audience:** Persons wishing to address the commission on any matter may do so at the discretion of the Chair, however, Arizona Open Meeting Law limits commission discussion to matters listed on the posted agenda. Other topics may be placed on a future agenda for discussion.

2. **Approval of HPC Minutes**  
October 9th, 2014 Tempe HPC monthly meeting minutes

3. **Introduction of New Tempe Historic Preservation Officer**  
John Larsen Southard

3. **PUBLIC HEARING – Hayden House Project**  
Hold a Public Hearing regarding the Hayden House PAD overlay application

4. **PUBLIC HEARING – Eisendrath House ADA Alternative Requirement Request**  
Hold a Public Hearing regarding the Eisendrath House ADA alternative requirement request

5. **Discuss & Consider Graduate Student Intern Program Projects**  
John Larsen Southard / Billy Kiser – Update on THPO Graduate Student Intern Program

6. **Discuss and Consider Chair / Staff Updates:**  
Tempe Historic Preservation Foundation Update  
Tempe HPO Social Media Project **n=3046** <http://www.facebook.com/TempeHPO>  
Tempe HPF Social Media Project **n=1451** <http://www.facebook.com/TempeHPF>

7. **Current Events / Announcements / Future Agenda Items**

- Member Announcements
- Staff Announcements

January HPC Meeting Date / Time: Thursday January 8th, 2015 at 6:00pm

Location: Hatton Hall, 34 E. 7<sup>th</sup> St., Tempe

### **Adjourn**

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To date in 2014 commission members report donating **361** volunteer hours to the City of Tempe

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The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. Within 48 hours notice, special assistance can be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8007 (voice) or 350-8400 (TDD) to request accommodation.

City of Tempe, Arizona

**Notice of Public Meeting of a Public Body**

**Sections 7.6.3, 7.7.4, 7.10.1**

**NOTICE OF PUBLIC MEETING OF THE  
TEMPE HISTORIC PRESERVATION COMMISSION**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tempe Historic Preservation Commission and to the general public that the Tempe Historic Preservation Commission will hold a meeting open to the public on Thursday, December 11th, 2014 from 6:00 p.m. to 8:00 p.m., at Hatton Hall, located on the Governor B. B. Moeur Campus at 34 East 7<sup>th</sup> Street, Tempe, Arizona.

A copy of the agenda for the meeting will be available at Tempe City Hall, 31 East 5<sup>th</sup> Street, Garden Level East, Community Development Department, Historic Preservation Office at least twenty-four hours in advance of the meeting.

Dated this 9th day of December, 2014

Tempe Historic Preservation Commission

A handwritten signature in blue ink, consisting of several overlapping loops and strokes, positioned below the text "Tempe Historic Preservation Commission".

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Tempe City Clerk, 480-350-8007 (voice), or 480-350-8400 (TDD). Requests should be made as early as possible to arrange the accommodation.

# † RULES OF PROCEDURE †

## AS ADOPTED BY THE TEMPE HISTORIC PRESERVATION COMMISSION JANUARY 9, 2003

**WHEREAS**, the commission recognizes the underlying principal of these rules to be decision-making by majority, and

**WHEREAS**, the application of these rules provide every member of the voting body of this commission with equal rights, and

**WHEREAS**, these rules afford commissioners protection of the minority rights to be heard, to protest, to convince their peers, and to fully understand the issues discussed or voted, and

**WHEREAS**, the use of the rules offers a simple and direct procedure for conducting commission business;

**NOW THEREFORE**, the Tempe Historic Preservation Commission does adopt for use and implement the rules of order as procedure for conducting the commission's business as set forth herein and as follows:

**MOTIONS, shall follow correct order ... considering only one question at a time, as such:**

- ☞ A Commission member addresses the Chair, 𐄂
- ☞ The Chair acknowledges that member, 𐄂
- ☞ The member states the motion, 𐄂
- ☞ Another member seconds the motion, 𐄂
- ☞ The Chair repeats the motion, 𐄂
- ☞ The Chair calls for discussion of the motion, 𐄂
- ☞ The Chair puts the motion to a vote, 𐄂
- ☞ The Chair announces the results of the vote. 𐄂𐄂𐄂

**IMPARTIALITY, shall provide for and protect the rights of individual members, of minority opinions, of majority opinion, and of any member absent from a meeting, as such:**

- ☞ Members may communicate to the Commission when recognized by the Chair, 𐄂
- ☞ The Chair maintains highest priority to direct the course of the meeting, 𐄂
- ☞ The maker of a motion will take precedence over others, 𐄂
- ☞ New speakers will take precedence over those who already spoke to a motion, 𐄂
- ☞ The Chair should typically request speakers for an opposing view. 𐄂𐄂𐄂

**ORDER OF BUSINESS, shall proceed in consideration of interested public, invited guests, staff, and any having business with the commission, as such:**

- ☞ Call to order and approval of minutes shall be the commission's first business, 𐄂
- ☞ Members of the public and guests of the commission shall next be invited to speak, 𐄂
- ☞ Public Hearing presentations or discussion shall be the commission's next business, 𐄂
- ☞ Public Meeting presentations or discussion shall be the commission's next business, 𐄂
- ☞ Presentations by City Staff shall be the commission's next business, 𐄂
- ☞ Presentations by Consultants shall be the commission's next business, 𐄂
- ☞ Presentations by Standing Committees of this Commission shall occur next, 𐄂
- ☞ Presentations by Special Committees of this Commission shall occur next, 𐄂
- ☞ General discussion and Commissioner's Business shall then occur. 𐄂𐄂𐄂

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† Based on Robert's Rules of Order as summarized and presented by Pat Cramer for TLC 12/11/2002.



**TEMPE HISTORIC  
PRESERVATION  
COMMISSION**

Ira Bennett, Vice Chair  
Anne Bilsbarrow  
Charles Buss  
Andrea Gregory, Chair  
Charlie Lee  
Lauren Proper  
Brenda Shears  
Scott Solliday  
Korri Turner

**TEMPE HISTORIC  
PRESERVATION  
OFFICE**

Hunter Hansen  
Wm. "Billy" Kiser  
Joe Nucci  
Mark Vinson

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Tempe Historic Preservation Commission [Tempe HPC]

# MEETING MINUTES

**Date:** THURSDAY, October 9, 2014

**Location:** Hatton Hall, 34 E. 7<sup>th</sup> St., Tempe

**Commissioners Present:** Ira Bennett, Chuck Buss, Andrea Gregory, Lauren Proper,  
Brenda Shears, Scott Solliday, Korri Turner

**Staff Present:** Hansen, Billy Kiser, Joe Nucci, Mark Vinson

**Public Present:** Michael Brekka, Grady Gammage, Jr., Rob Lane, Vic Linoff,  
Lisa Roach, Manjula Vaz, Nore' Winter

**Call to Order:** 6:04 P.M., Andrea Gregory, Chair

**1. Call to Audience** *NO REPLY*

**2. Approval of HPC Minutes 09/11/2014**

*MOTION [BENNETT]: MOVE TO APPROVE TEMPE HPC MEETING MINUTES  
FROM 09/11/2014, SECOND [SOLLIDAY], APPROVED 6-0.*

**3. Presentation Hayden House Redevelopment Approach**

- Nore' Winter presentation on historical research
- Explanation of why the property is historically significant
- Emphasis on architect Robert T. Evans and 1924 restoration
- Chronological overview, 1871-2000
- Guiding principles for redevelopment: preserve historic adobe building; remove incompatible additions; create new courtyard in conformity with historic character; construct supporting infrastructure sensitively
- Overview of alternative plan concepts (3 total)
- Presentation of 3 plan concepts for new layout
- Hotel will be 15 stories (195') and office building will be 16 stories (210')
- Q: What is the content of the 1984 NRN for the Hayden House? A: It is a brief, superficial document; the 50-year threshold for historic eligibility is not being applied to this project, as there are many variables and different historically significant components
- Solliday: explanation on arbitrary nature of period of significance; 1871 may not be the year built, and the 1930s as a cutoff date is too vague
- THPR nomination for the Hayden House (2000) uses the same period of significance and historical associations as the 1984 NRN and is being consulted for the project
- Discussion on strategy for restoring front façade and patio, and plans for integration of the two in conformity with historic character and context
- Shade structures will be needed for front patio and entryway (Rio Salado frontage)
- 1920s photos are helping with the guiding principles for restoration of front entryway and patio
- Gammage: Recently-built concrete-and-iron structure at NE corner of Hayden House will be removed.

- Q: Will new restaurant have enough seating to be profitable? A: Yes, the new building will be more reasonable in size. The current Monti's is too large, with seating capacity of approximately 1,000. New restaurant will be roughly one-third the square footage (3,500-4,000) and will conform with the incoming high-end restaurateur.
- Q: Will new restaurant concept allow for community meetings and gatherings? A: Probably not; new concept will be upscale and will not appeal to such groups, but adjacent new hotel will also have restaurant and gathering spaces that can serve this function.
- Q: How will the shading/shadows of the new 200-foot towers impact the open-air courtyard? A: Developers still working on determining this; vegetation in the courtyard could ease the intensity of high-rises and provide more reliable shade.
- Q: Have there been any engineering studies on the proximity impacts of new high-rises on historic structure? A: Developers are working on this; measures will be taken to mitigate adverse proximity impacts.
- HPC will be voting in the future on an amended PAD, with height, lot coverage, and square footage all reduced from earlier development proposal. All residential components have also been removed from the plans.
- Vinson: Notes that the hotel and office tower are both offset from the historic Hayden House in their Rio Salado Parkway and Mill Avenue frontage; this setback will help to emphasize the historic over the new.

#### **4. Presentation Historic Preservation Office Operations**

- Nucci: Overview of HPO procedures for incoming new hire.
- Nucci: Asks commissioners to review the procedural manual and provide feedback
- Vinson: HPO job has been posted, deadline for application has passed with 36 applicants
- Applications currently being reviewed to determine those that do/do not meet the minimum qualifications; the pool of eligible applicants is being narrowed down by HR
- Vinson: An interview panel has been compiled, consisting of Mark Vinson, Nancy Ryan, Andrea Gregory, and Amy Douglass
- Goal of interview panel is to select the 2 - 4 best candidates, who will then be called for a final interview with the department director
- Nucci will volunteer beginning November 1 and lasting until a new hire is made and the transition is complete; Vinson will likely serve as interim HPO
- Bennett: Ideal skills for a new HPO would be a solution-minded problem-solving individual

#### **5. Discuss & Consider Graduate Student Intern Program Projects**

- Kiser: Research is ongoing for NRN district property tax data
- Kiser: Compiling a procedural manual for the intern program to complement Nucci's instructional guide for the new HPO

#### **6. Discuss and Consider Chair/Staff Updates:**

- Vinson: Report on panel evaluating Flour Mill request for qualifications; 4 submittals have been received, these have been narrowed down to 2. Forthcoming meeting with city attorney on these two submittals. A hotel occupant has already been determined for the site; both of the new proposals include a restaurant as well.
- Roach: THPF has met with Rio Salado Foundation's executive director on Eisendrath House; grant funding has been secured and construction may be resumed before the end of the year
- THPF may appoint a new liaison to HPC. Nucci will begin serving on THPF board November 1<sup>st</sup>.
- Commissioners present Nucci with framed Flour Mill sack as retirement gift

- Linoff: Comments on Nucci's dedicated service to Tempe preservation
- Buss: Discussion of home values in historic districts; in one recent example, he found \$15,000 value added for a home in a historic district (home valued at \$132,000), suggesting a value added of 10-15%, which conforms with nationwide trends.
- Roach: Her experiences in real estate have confirmed this; historic district homes have verified value added of over 10 percent, often even more in the valley, where historic properties are less common than in other parts of the U.S. and thus the supply does not meet the demand in PHX metro area.

**7. Current Events / Announcements / Future Agenda Items**

- November 3, at 5:00 PM, there will be a retirement celebration for Joe Nucci at Casey Moore's in historic Maple/Ash Neighborhood.

**Meeting adjourned at 7:35 PM**

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**Andrea Gregory, Chair**

*-minutes scheduled for HPC approval on 12/11/2014*

#### **FREQUENTLY USED ABBREVIATIONS OR ACRONYMS**

- **CDD** – City of Tempe Community Development Department: Established February 15, 2005, by City Manager Will Manley the CDD consists of six divisions; Economic Development, Housing Services, Redevelopment, Neighborhood Enhancement, Rio Salado/Town Lake, and Special Projects, as well as the Community Design Studio / City Architect. The Tempe Historic Preservation Office is an agency of the Special Projects Division.
- **CLG** – Certified Local Government: In 1980, Congress established a framework for local preservation programs through an amendment to the National Historic Preservation Act empowering Arizona cities and counties to become Certified Local Governments (CLGs). Once certified, these entities are eligible for specialized assistance and funds for developing their own local preservation programs and entitled to comment on NR and other SHPO activities within their boundaries. The City of Tempe became a CLG in 1995.
- **DDA** – Development & Disposition Agreement: a redevelopment contract between the City and one or more developers or redevelopers specifying terms and conditions for construction or reconstruction.
- **DSD** – City of Tempe Development Services Department: dealing with Building Safety, Land Use, Planning and Zoning
- **DRC** – City of Tempe Development Review Commission: volunteer board advising Mayor and Council on matters related to the built environment and administration of General Plan 2030 and the Zoning and Development Code.
- **GRIC** – Gila River Indian Community: is an alliance of two tribes, the Akimel O'odham (Pima) and the Pee Posh (Maricopa). Established by Executive Order in 1859, the Community covers more than 600 square miles and is the largest indigenous community in the Phoenix metropolitan area. GRIC helps make the Tempe Preservation Graduate Student Intern Program possible through a generous grant of State-Shared Revenue funds.
- **HPF** – (see Tempe HPF) Tempe Historic Preservation Foundation
- **HSRC** – (Arizona) Historic Sites Review Committee: Arizona's official Arizona and National Register of Historic Places review board. The HSRC meets three times during the year to review National Register nominations and advise the State Historic Preservation Officer on nominations to the State and National Registers.
- **IEBC** – International Existing Building Code: adopted by Tempe City Council by Ordinance No. 2005.89 on December 1, 2005, as part of the code body promulgated by the International Code Council, provides means for preservation of existing Tempe building inventory through reasonable and feasible code processes.
- **IRS** – Issue Review Session: informal Mayor and Council public meeting where members of the public may come forward and talk with City Council during the “Call to the Audience” prior to regular Council meetings.
- **NPS** – National Park Service: the City of Tempe is a Certified Local Government through an inter-governmental agreement with the United States Department of the Interior National Park Service and the Arizona State Historic Preservation Office.
- **NRN** – National Register Nomination: An application to list a property on the National Register of Historic Places is reviewed by the SHPO and then by the Arizona Historic Sites Review Committee (Sites) before formal application is made to the Keeper of the National Register in Washington DC.
- **PAD** – Planned Area Development: site plan overlay to define development standards for a specific project.
- **SHPO** – State Historic Preservation Office: a division of Arizona State Parks, responsible for the identification, evaluation, and protection of Arizona's prehistoric and historic cultural resources; established by the National Historic Preservation Act of 1966.
- **SRP-MIC** – Salt River Pima-Maricopa Indian Community: created by Executive Order on June 14, 1879 by President Rutherford B. Hayes, the Salt River Pima-Maricopa Indian Community (SRPMIC) is located in Maricopa County, aside the boundaries of Mesa, Tempe, Scottsdale, Fountain Hills and metropolitan Phoenix.
- **Tempe HPC** – Tempe Historic Preservation Commission: Created by Ordinance 95.35, adopted November 9, 1995. Members serve three year terms with the exception of the initial appointments; charged with administering the Tempe Historic Preservation Ordinance and Plan, as well as advising Mayor / Council on all matters related to historic preservation
- **Tempe HPF** – Tempe Historic Preservation Foundation: A private nonprofit corporation established in 2005, Mission Statement 02.02.06 “The Foundation advocates preserving Tempe’s at-risk historic properties and supporting worthy preservation projects through education, community participation, and fundraising.”
- **Tempe HPO** – Tempe Historic Preservation Office: Responsible for the identification and conservation of Tempe’s prehistoric and historic cultural resources, the Office uses Federal, state, and city funding for the historic preservation program and assists owners of historic properties with grant applications, property maintenance, and preservation activities; provides staff support to the Tempe HPC.
- **THM** – Tempe Historical Museum: Located at 809 E. Southern Avenue in Tempe, the Tempe Historical Museum is a center where the community comes together to celebrate Tempe's past and ponder the future. Permanent and changing exhibits, educational programs, and research projects generally focus on some aspect of Tempe's history within the context of state and national events.
- **TOD** – Tempe Transportation Overlay District: placed to encourage appropriate land development and redevelopment consistent with and complementary to the community’s focused investment in transit, bicycle, and pedestrian infrastructure in certain geographic areas of the City; typically in association with the light rail.
- **ZDC** – Zoning & Development Code: Adopted by Mayor and Council on January 20, 2005, effective February 22, 2005, the ZDC implements Tempe General Plan 2030 by encouraging creative development of the built environment in order to build a community that promotes the livability and uniqueness of Tempe; establishes zoning districts and development standards.



• T • E • M • P • E •  
**PRESERVATION**

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# STAFF REPORT

## Tempe Historic Preservation Office

From: John Larsen Southard, Historic Preservation Officer

Date: December 4th, 2014

### Eisendrath House ADA Alternative Requirement Request

**Property Name:** Rose Eisendrath House (THPR #21)  
**Property Address:** 1400 N. College Ave., Tempe, AZ 85281  
**Property Owner:** City of Tempe  
**Applicant:** City Architect Mark Vinson, FAIA, on behalf of Rio Salado Foundation and the City of Tempe

**Request:** Applicant requests approval of a floor-to-floor wheelchair lift as an alternative requirement to section 4.1.3(5) of the 1991 ADA Standards of Accessible Design ("Standards"). Section 4.1.3(5) requires installation of a passenger elevator as an accessible means of floor-to-floor transport. Applicant cites section 4.1.7(2)(b) of the Standards as justification for approval. Section 4.1.7(2)(b) allows the State Historic Preservation Officer ("SHPO") to consider and approve requests for approval of alternative requirements if "compliance with the accessibility requirements... would threaten or destroy the historical significance of the building or facility." Applicant states construction of an external elevator tower on the south side of the Eisendrath House would adversely impact the Pueblo Revival-style massing of the house and the historic adobe exterior walls, therefore threatening defining characteristics of historical significance. See attached letter from Mark Vinson for verbatim request.

**Background:** The 1930 Eisendrath House is owned by the City of Tempe, is listed in the Tempe Historic Property Register, and has been listed in the National Register. The non-profit Rio Salado Foundation ("RSF"), through a license agreement with the City, is engaged in rehabilitating the historic home for future use as the primary facility of the Carl Hayden Campus for Sustainability. RSF originally submitted project plans in early 2011 including an internal floor-to-floor wheelchair lift to be installed as a means of accessible transport between the first and second floors of the building. Subsequent to the submittal of RSF's plans, the City Building Official ("CBO") raised concerns relating to compliance with the Americans with Disabilities Act of 1990 ("ADA"). The CBO, in consultation with City Attorney staff ("CA") determined that the cost test, elevator exemption, and technically infeasible exception outlined in the Standards do not apply to the Eisendrath House rehabilitation project. Per the CA, "the rehabilitation of the Eisendrath House must, therefore, comply with all [Standards] elements, including the installation of an elevator..."<sup>1</sup> However, CA staff did highlight section 4.1.7 of the Standards, titled "Accessible Buildings: Historic Preservation," as the basis for a "possible exemption."<sup>2</sup> Applicant and THPO concur with this assessment. As such, this application for an alternative requirement has been submitted under the provisions of section 4.1.7. Specifically, applicant cites section 4.1.7(2)(b), which allows SHPO to consider and approve requests for approval of alternative requirements. This comports with CA staff direction that a "decision to use alternative standards for a building feature cannot be made by the city alone. Alternative standards may apply where the city has consulted with and obtained the agreement of the appropriate historic advisory entity designated in [the Standards]."<sup>3</sup>

**Staff Recommendation:** Tempe HPO supports applicant's request and suggests Tempe HPC recommend SHPO approval of the proposed alternative requirement.

<sup>1</sup> Teresa Voss, e-mail message to Mark Vinson and Michael Williams, February 25, 2011.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.



**Legal Considerations:** Three sets of guidelines interpreting the letter and intent of the ADA exist, those being the 1991 Standards referenced above, the Uniform Federal Accessibility Standards, and the 2010 Americans with Disabilities Act Accessibility Guidelines.<sup>4</sup> The 1991 Standards can be selected as the criteria against which projects commenced prior to March 15<sup>th</sup>, 2012 are evaluated. The City selected the 1991 Standards as the benchmark for this project as the Eisendrath House rehabilitation effort was initiated prior to March 15<sup>th</sup>, 2012.<sup>5</sup> The CA has determined that section 4.1.7 of the Standards, which deals with exceptions deemed necessary for historic preservation purposes, may be employed as a means by which applicant can seek an alternative requirement. However, the CA highlights their finding “that this exemption only rarely applies.”<sup>6</sup>

Section 4.1.7 applies to “qualified historic buildings” and allows for alternative requirements in cases where “compliance with the requirements for accessible routes... would threaten or destroy the historic significance of the building or facility.” The Standards define the term “qualified historic buildings” as meaning properties “listed in or eligible for listing in the National Register of Historic Places; or... [d]esignated as historic under an appropriate State or local law.”<sup>7</sup> The Eisendrath House is a qualified historic property given its June 20<sup>th</sup>, 2002 addition to the Tempe Historic Property Register and its April 20<sup>th</sup>, 2011 inclusion in the National Register of Historic Places.<sup>8</sup> Per the CA, “no federal funds have been or will be used to finance” the Eisendrath House rehabilitation project.<sup>9</sup> Accordingly, the project is not subject to the section 106 review process outlined in the National Historic Preservation Act of 1966 and, therefore, not subject to the provisions of section 4.1.7(2)(a)(ii) of the Standards.<sup>10</sup> Applicant’s alternative requirement request is, however, subject to the provisions of sections 4.1.7.(2)(b) and 4.1.7(2)(c) of the Standards, which applies to projects not subject to section 106 review.

Section 4.1.7(2)(b) requires consultation with SHPO and allows for proposed alternative requirements to be used if SHPO “agrees that compliance with the accessibility requirements for accessible routes... would threaten or destroy the historical significance of the building or facility.”<sup>11</sup> Section 4.1.7(2)(c) of the Standards states, “interested persons should be invited to participate in the consultation process.”<sup>12</sup> Tempe HPO (“THPO”) has invited review and comment from City of Tempe ADA Compliance Specialist Michelle Stokes and, by extension, the Mayor’s Commission on Disability Concerns (“MCDC”), an appointed body of nine Tempe residents. MCDC is tasked with, among other things, “[a]ssisting] City departments and the City Manager in the establishment of essential policies, rules and regulations relating to compliance with federal and state disabilities legislation or regulations and on other disabilities concerns and issues as needed.”<sup>13</sup> Tempe HPC (“THPC”) will consider this matter at a public hearing on December 11<sup>th</sup>, 2014, thereby providing an opportunity for public comment. THPO believes inviting review and comment from Stokes, MCDC, and the general public to satisfy the requirements of section 4.1.7(2)(c) in both letter and spirit. SHPO Certified Local Governments Coordinator Bob Frankeberger has signed off on the process outlined above.<sup>14</sup> This proposal will be considered by SHPO, in compliance with section 4.1.7(2)(b), when THPO formally seeks SHPO approval of applicant’s request, if so directed by THPC. Should SHPO “[a]gree] that compliance with the accessibility requirements for accessible routes... would threaten or destroy the historical significance of the building or facility” and thereby approve an interior floor-to-floor wheelchair lift as an alternative requirement to the prescribed “accessibility requirements for accessible routes,” THPO will consider the action to be in compliance with the Standards and CA direction that “the decision to use alternative standards for a building feature cannot be made by the city alone.”<sup>15</sup>

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<sup>4</sup> Jennifer Lynn Ladenheim, “The Impact of the Americans with Disabilities Act on Historic Buildings” (master’s thesis, University of Georgia, 2002), 13;

<sup>5</sup> Voss.

<sup>6</sup> Voss.

<sup>7</sup> 1991 Standards, 13.

<sup>8</sup> DeeDee Kimbrell, letter to Mark Vinson, June 26, 2002; Vivia Strang, letter to Joe Nucci, May 10, 2011.

<sup>9</sup> Voss.

<sup>10</sup> 1991 Standards, 13.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> City of Tempe, “City of Tempe, AZ : Commission on Disability Concerns,” <http://www.tempe.gov/city-hall/city-clerk-s-office/boards-and-commissions/boards-commissions-committees-and-other-public-bodies/commission-on-disability-concerns-> (accessed December 3, 2014).

<sup>14</sup> Bob Frankeberger, e-mail to John Southard, November 21, 2014.

<sup>15</sup> 1991 Standards, 13; Voss.

**National Park Service Guidance:** Per Preservation Brief 32 ("PB 32"), "Making Historic Properties Accessible," "A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of historic properties:

- 1) Review the historical significance of the property and identify character defining features;
- 2) Assess the property's existing and required level of accessibility; and
- 3) Evaluate accessibility options within a preservation context."<sup>16</sup>

PB 32 also advises, "proposed changes should be evaluated for conformance with the Secretary of the Interior's 'Standards for the Treatment of Historic Properties,' which, "stress the importance of retaining and protecting the materials and features that convey a property's historical significance."<sup>17</sup> Further, PB 32 reiterates the SHPO consultation process as the means by which to receive a determination "whether or not any special accessibility provisions may be used," and emphasizes an end goal of "[providing] a high level of accessibility without compromising significant features or the overall character of the property."<sup>18</sup> Specific to the question at hand, PB 32 states, "if space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings," with a caveat regarding conformance with state and local life-safety codes.<sup>19</sup> National Park Service ("NPS") guidance relating to "designing and installing additional entrances... for the new use," as found in the agency's *Guidelines for Rehabilitating Historic Buildings* ("Guidelines"), calls for work to be completed "in a manner that preserves the historic character of the buildings, i.e., limiting such alteration to non-character defining elevations." The Guidelines categorize "installing secondary service entrances and porches that are incompatible in size and scale with the historic building or obscure, damage, or destroy character-defining features" as an approach that is "not recommended."<sup>20</sup>

**Application of Legal Considerations and NPS Guidance to Applicant's Proposal:** Per CA direction, applicant's request to employ an internal floor-to-floor wheelchair lift in place of a commercial elevator housed in a new, external tower to provide accessible transport between the first and second floors of the Eisendrath House is to be considered using the historic property alternative requirement evaluation procedures specified in the 1991 Standards. CA has declared this project to be ineligible for the following exemption justifications permitted, when applicable, by the 1991 Standards:

- 1) 20% Overall Compliance Cost Exemption
- 2) Elevator Exemption
- 3) Technically Infeasible Exemption

CA cites two alternative requirements which may apply to this case:

- 1) Section 4.1.7 of the Standards, which allows for alternative requirements to be considered for cases involving "qualified historic properties" to which "compliance with the requirements for accessible routes" might "threaten or destroy the historic significance of the building or facility."
- 2) A "programmatic access" exemption for "when a service, program, or activity could be located in part of the Eisendrath House that is not accessible because compliance with even the minimum alternative requirements would destroy the historic significance." CA-suggested alternative requirements in this situation include "documenting the inaccessible space by providing [an] accessible video or some other innovative solution."<sup>21</sup> Such accommodations are not being pursued by the applicant or endorsed by THPO as it is believed that the proposed alternative requirement will allow the Eisendrath House to be accessible without threatening or destroying its historic significance.

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<sup>16</sup> US Department of the Interior, *NPS Preservation Brief 32: Making Historic Properties Accessible*, by Thomas C. Jester and Sharon C. Park, AIA (Washington, DC, 1993), 1.

<sup>17</sup> *Ibid.*, 2.

<sup>18</sup> *Ibid.*, 2-3.

<sup>19</sup> *Ibid.*, 7.

<sup>20</sup> NPS *Guidelines for Rehabilitating Historic Buildings*.

<sup>21</sup> Voss.

As such, the evaluation criteria pertinent to this request are as follows:

- 1) What are the defining characteristics of the Eisendrath House that make it historically significant?
- 2) Would construction of an external elevator tower on the south side of the Eisendrath House, which would require opening entrance holes through the historic adobe exterior wall at the first and second floor levels, “threaten or destroy the historic significance of the building”?
- 3) Does applicant’s proposed alternative requirement comply with the letter and spirit of ADA, the Standards, and NPS Guidelines?

Evaluation Criterion 1: Review of THPO files reveals the defining characteristics to be its Pueblo Revival-style irregular massing and its adobe block construction.

Documentation of its irregular massing as a defining characteristic includes the 1983 *Tempe Historic Property Survey* (“THPS”), which identified the Eisendrath House as being “significant as the most outstanding example of the Pueblo Revival style executed in adobe,” and “the largest remaining and best-preserved Pueblo Revival style house in the Tempe area.” Per THPS, Pueblo Revival-style characteristics “exhibited in this house include irregular massing, flat roof, adobe and stucco construction, vigas, and exterior stairs.” The Eisendrath House National Register nomination (“NRN”) describes its massing as “deliberately irregular and informal, roughly taking the shape of an ‘L,’” which is “consistent with the Pueblo style of the home.” Further, NRN states, “the house strongly conveys the design intent of its original architect and builder, Robert Evans,” and emphasizes that “the original plan of the house and its spatial relationships to exterior use spaces is essentially unchanged.” THPS highlights “the irregular massing of the house” being “complemented by the imposing setting in the desert at the eastern edge of Papago Park.” NRN specifically cites the building’s East Terrace as having been designed to provide a “more formal” approach to the home, as opposed to the house’s everyday entrance, which is seen as one approaches from the northeast.<sup>22</sup>

Documentation of its adobe block construction as a defining characteristic includes the THPS assessment of the home being “unique for its construction of adobe brick, rarely used in a two-story building,” and the property’s 2002 *Tempe Historic Property Register nomination Staff Summary Report* that states the “elegant Pueblo Revival home renders traditional materials in a refined design constructed with a degree of skill and sophistication noticeably above what is normally encountered in vernacular adobe architecture.” NRN specifies the adobe in question as being “12” thick plastered adobe walls.”<sup>23</sup>

Evaluation Criterion 2: Addition of an external elevator tower on the south side of the building, which has been proposed as the least adversely impactful possible location, would require opening entrance holes through the historic adobe exterior wall at the first and second floor levels, indisputably threatens the look and feel of the building’s distinctive, Pueblo Revival-style irregular massing conceived by master architect Robert Evans, a noted adobe builder who designed and built the home. Such construction would also introduce the first new primary building material into the home’s structure since its construction in 1930. Construction of an external elevator tower requiring two large access points be opened in the adobe exterior wall threatens the home’s adobe block construction, an historically-significant and highly fragile feature.

As illustrated by attachments B and C, an external elevator tower would rise above the historic roofline, alter the historically-significant massing design of Robert Evans, and introduce a prominent, non-historic feature to the south and east sides of the home visible to passersby on College Avenue. Doing so would drastically alter the look and feel and, therefore, the historic significance of the home’s “deliberately irregular and informal” massing that, to this day, “strongly conveys the design intent” of Evans. Further, addition of an elevator tower would transform the look and feel of the east entrance, described in the NRN as being the “more formal” approach. Construction of an elevator tower would also compromise the home’s “spatial relationships to exterior use spaces,” which remains “essentially unchanged.” An external tower would also violate the project design principles outlined in the NRN, which outlines a strategy ensuring that new elements “be in character with” and “retain as much as possible... the natural desert remaining.” Violating this principle would threaten the home’s historic significance by drastically altering the look and feel of the Evans-designed “irregular massing... complemented by the imposing setting in the desert at the eastern edge of Papago Park.” The structural integrity of the home’s adobe block construction, a defining characteristic of historic significance, may be seriously jeopardized by the two points of compromise required to facilitate elevator access to the interior

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<sup>22</sup> 1983 THPS; Eisendrath NRN.

<sup>23</sup> THPS; 2002 THPR SSR; NRN.

of the home. Further, the vibratory impact resulting from the tower foundation's excavation and the tower's construction risks damaging individual adobe blocks or, potentially, much larger portions of the home's adobe exterior shell.

**Evaluation Criterion 3:** After evaluation of the legal considerations and NPS Guidance above, and consultation with CBO, Community Development Director David Nakagawara, the City Architect, and ADA Compliance Specialist Stokes, THPO concludes that applicant's proposed alternative requirement does comply with the letter and spirit of ADA, the Standards, and NPS Guidelines.

**Recommendation:** Applicant's proposal for a self-operated interior floor-to-floor wheelchair lift to provide accessible transport between the first and second floor of the Eisendrath House is an acceptable alternative requirement to the "accessibility requirements for accessible routes" prescribed in the Standards. Applicant's proposal is warranted as the prescribed accessibility requirements present a clear threat to the defining characteristics that make the Eisendrath House historically significant. Further, applicant's proposed alternative requirement complies with the letter and spirit of ADA, the Standards, and NPS Guidelines. As such, Tempe HPO supports applicant's request and suggests Tempe HPC recommend SHPO approval of the proposed alternative requirement.

**Attachments:**

Attachment A	December 4 <sup>th</sup> , 2014 letter from Mark Vinson, FAIA
Attachment B	Rendering showing Eisendrath House as it now stands
Attachment C	Rendering showing Eisendrath House with an external elevator tower

FAX: 480-350-8872  
www.tempe.gov  
Community Development Department  
**Design + Preservation**

4 December 2014

## Attachment A

Tempe Historic Preservation Commission  
c/o John Larsen Southard, Tempe Historic Preservation Officer  
PO Box 5002  
(31 East Fifth Street, East Garden Level)  
Tempe, AZ 85280

Re: **Eisendrath House ADA Accessibility**

Dear Members of the Commission:

As you are no doubt aware, the City of Tempe and its non-profit partner, the Rio Salado Foundation, intend to repurpose the building to serve as the "flagship" facility of the Carl Hayden Campus for Sustainability. As such, it is anticipated that classes, exhibits and offices related to water conservation and historic preservation will be accommodated. The completed facility may also prove popular as a venue for special events.

To date, the City and the Foundation have spared no expense and made every good faith effort to provide unrestricted access to afford persons of all abilities the opportunity to enjoy all aspects of this very special property. From designated parking areas and ramps to making all restroom facilities ADA-accessible, an amount equivalent to slightly over 20% of the total rehabilitation construction cost has already been spent or budgeted. The most problematic issue has been providing ADA-compliant access to and throughout the second floor without compromising the structural or historic integrity of the local and National Register-listed building. One option would be to restrict public access to the lower level only; another is to construct an external commercial elevator, attached to the south side of the building with attendant penetrations through the historic adobe wall. We feel that best option is to provide a self-operated internal floor-to-floor wheelchair lift, along with a secondary platform lift (to accommodate an additional partial level change on the second floor). Full accessibility would thus be provided in a means far less injurious to the structural and historic integrity of the resource. It is my understanding that, due to the public nature of the ownership and proposed uses of the building, such a strategy is only permissible under an historic building exemption granted by the State Historic Preservation Office (SHPO) through a public process administered by the Tempe Historic Preservation Officer, by virtue of the City's Certified Local Government agreement with the State of Arizona.

Therefore, on behalf of the City of Tempe and the Rio Salado Foundation, I request your consideration and recommendation to SHPO of approval of an historic building exemption under Americans with Disabilities Act (ADA) guidelines to provide alternative means of access to the second floor of the rehabilitated Eisendrath House.

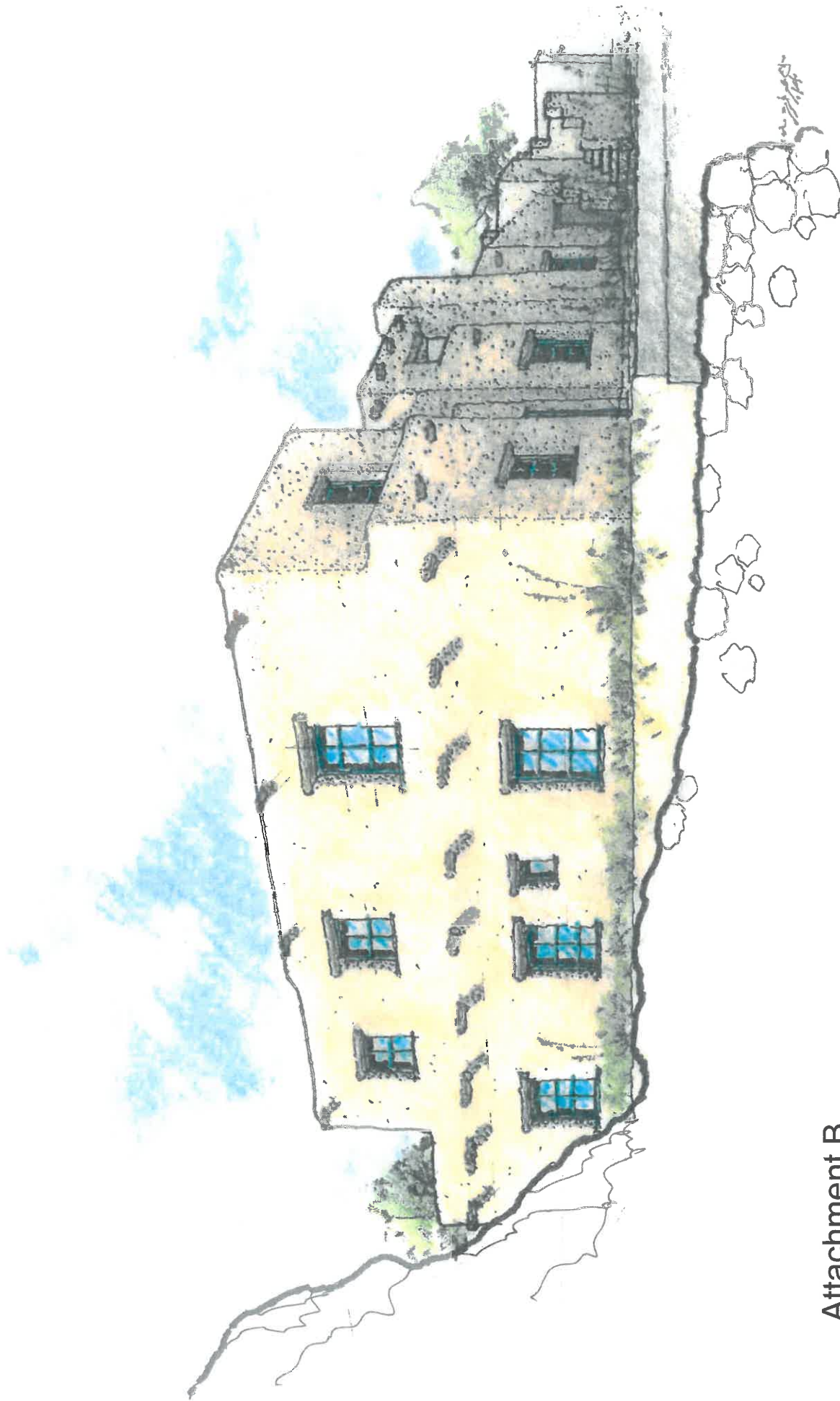
Sincerely,



**Mark C Vinson** FAIA/AICP/NCARB  
City Architect / Design + Preservation Manager

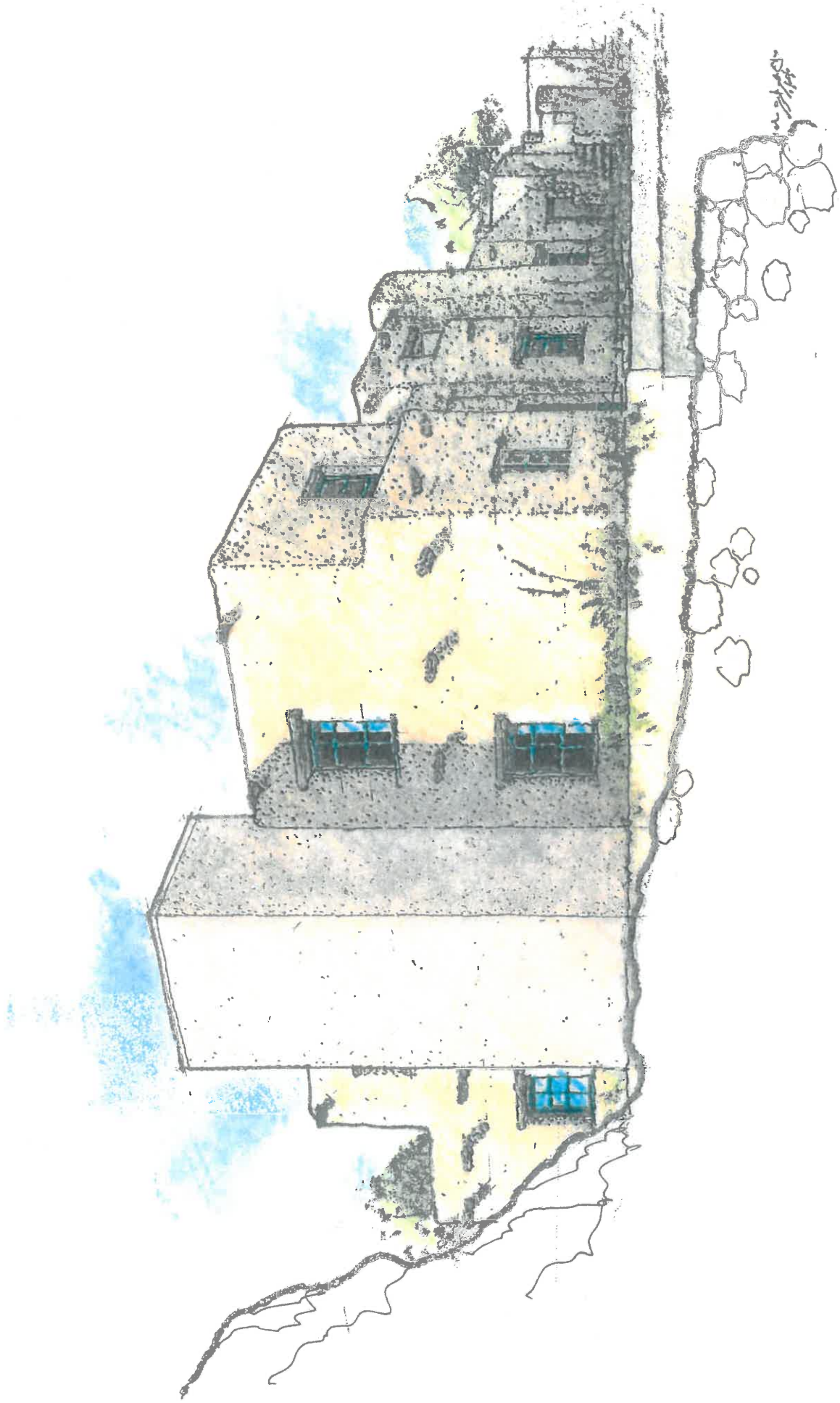
attachments:

- Floor plans indicating location of external commercial elevator, if required
- Sketches illustrating impact on exterior character of external commercial elevator, if required
- Image of potential location of internal floor-to-floor lift



Attachment B





Attachment C

Janice K. Brewer  
Governor

Bryan Martyn  
Executive Director



Board Members

Alan Everett, Sedona, *Chair*  
Walter D. Armer, Jr., Vail  
Mark Brnovich, Phoenix  
R. J. Cardin, Phoenix  
Kay Daggett, Sierra Vista  
Larry Landry, Phoenix  
Vanessa Hickman,  
State Land Commissioner

November 18, 2014

John Southard, Historic Preservation Officer  
City of Tempe  
PO Box 50021  
Tempe AZ 85280

**RE: MOEUR PARK - TEMPE, MARICOPA, AZ**

Dear Mr. Southard:

It is my pleasure to inform you that the property listed above was entered in the National Register of Historic Places on November 5, 2014. The National Register is the official listing of the Nation's cultural resources worthy of preservation.

On behalf of the State Historic Preservation Office (SHPO), I wish to express my appreciation for your support and cooperation in nominating the accepted property to the National Register of Historic Places.

Should you have any questions or comments regarding the property listed or the implications of listing in the National Register of Historic Places, I will be pleased to respond to them. You may contact me by email at [vstrang@azstateparks.gov](mailto:vstrang@azstateparks.gov) or at 602.542.4662.

Sincerely,

A handwritten signature in black ink that reads "Vivia Strang". The signature is written in a cursive, flowing style.

Vivia Strang, CPM  
National Register Coordinator  
State Historic Preservation Office

VS:vs



## FREQUENTLY USED ABBREVIATIONS OR ACRONYMS

- CDD – City of Tempe Community Development Department: Established February 15, 2005, by City Manager Will Manley the CDD consists of six divisions; Economic Development, Housing Services, Redevelopment, Neighborhood Enhancement, Rio Salado/Town Lake, and Special Projects, as well as the Community Design Studio / City Architect. The Tempe Historic Preservation Office is an agency of the Special Projects Division.
- CLG – Certified Local Government: In 1980, Congress established a framework for local preservation programs through an amendment to the National Historic Preservation Act empowering Arizona cities and counties to become Certified Local Governments (CLGs). Once certified, these entities are eligible for specialized assistance and funds for developing their own local preservation programs and entitled to comment on NR and other SHPO activities within their boundaries. The City of Tempe became a CLG in 1995.
- DDA – Development & Disposition Agreement: a redevelopment contract between the City and one or more developers or redevelopers specifying terms and conditions for construction or reconstruction.
- DSD – City of Tempe Development Services Department: dealing with Building Safety, Land Use, Planning and Zoning
- DRC – City of Tempe Development Review Commission: volunteer board advising Mayor and Council on matters related to the built environment and administration of General Plan 2030 and the Zoning and Development Code.
- GRIC – Gila River Indian Community: is an alliance of two tribes, the Akimel O'odham (Pima) and the Pee Posh (Maricopa). Established by Executive Order in 1859, the Community covers more than 600 square miles and is the largest indigenous community in the Phoenix metropolitan area. GRIC helps make the Tempe Preservation Graduate Student Intern Program possible through a generous grant of State-Shared Revenue funds.
- HPF – (see Tempe HPF) Tempe Historic Preservation Foundation
- HSRC – (Arizona) Historic Sites Review Committee: Arizona's official Arizona and National Register of Historic Places review board. The HSRC meets three times during the year to review National Register nominations and advise the State Historic Preservation Officer on nominations to the State and National Registers.
- IEBC – International Existing Building Code: adopted by Tempe City Council by Ordinance No. 2005.89 on December 1, 2005, as part of the code body promulgated by the International Code Council, provides means for preservation of existing Tempe building inventory through reasonable and feasible code processes.
- IRS – Issue Review Session: informal Mayor and Council public meeting where members of the public may come forward and talk with City Council during the “Call to the Audience” prior to regular Council meetings.
- NPS – National Park Service: the City of Tempe is a Certified Local Government through an inter-governmental agreement with the United States Department of the Interior National Park Service and the Arizona State Historic Preservation Office.
- NRN – National Register Nomination: An application to list a property on the National Register of Historic Places is reviewed by the SHPO and then by the Arizona Historic Sites Review Committee (Sites) before formal application is made to the Keeper of the National Register in Washington DC.
- PAD – Planned Area Development: site plan overlay to define development standards for a specific project.
- SHPO – State Historic Preservation Office: a division of Arizona State Parks, responsible for the identification, evaluation, and protection of Arizona's prehistoric and historic cultural resources; established by the National Historic Preservation Act of 1966.
- SRP-MIC – Salt River Pima-Maricopa Indian Community: created by Executive Order on June 14, 1879 by President Rutherford B. Hayes, the Salt River Pima-Maricopa Indian Community (SRPMIC) is located in Maricopa County, aside the boundaries of Mesa, Tempe, Scottsdale, Fountain Hills and metropolitan Phoenix.
- Tempe HPC – Tempe Historic Preservation Commission: Created by Ordinance 95.35, adopted November 9, 1995. Members serve three year terms with the exception of the initial appointments; charged with administering the Tempe Historic Preservation Ordinance and Plan, as well as advising Mayor / Council on all matters related to historic preservation
- Tempe HPF – Tempe Historic Preservation Foundation: A private nonprofit corporation established in 2005, Mission Statement 02.02.06 “The Foundation advocates preserving Tempe’s at-risk historic properties and supporting worthy preservation projects through education, community participation, and fundraising.”
- Tempe HPO – Tempe Historic Preservation Office: Responsible for the identification and conservation of Tempe’s prehistoric and historic cultural resources, the Office uses Federal, state, and city funding for the historic preservation program and assists owners of historic properties with grant applications, property maintenance, and preservation activities; provides staff support to the Tempe HPC.
- THM – Tempe Historical Museum: Located at 809 E. Southern Avenue in Tempe, the Tempe Historical Museum is a center where the community comes together to celebrate Tempe's past and ponder the future. Permanent and changing exhibits, educational programs, and research projects generally focus on some aspect of Tempe's history within the context of state and national events.
- TOD – Tempe Transportation Overlay District: placed to encourage appropriate land development and redevelopment consistent with and complementary to the community’s focused investment in transit, bicycle, and pedestrian infrastructure in certain geographic areas of the City; typically in association with the light rail.
- ZDC – Zoning & Development Code: Adopted by Mayor and Council on January 20, 2005, effective February 22, 2005, the ZDC implements Tempe General Plan 2030 by encouraging creative development of the built environment in order to build a community that promotes the livability and uniqueness of Tempe; establishes zoning districts and development standards.